

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA** : **DECLARATION**  
  
                                  -v.- : **S3 05 Cr. 621 (RJS)**  
  
**ALBERTO WILLIAM VILAR,** :  
          a/k/a, "Albert Vilar," and :  
**GARY ALAN TANAKA,** :  
  
                                  **Defendants.** :  
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MARC LITT, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

I am an Assistant United States Attorney in the Office of Michael J. Garcia, United States Attorney for the Southern District of New York, attorney for the United States of America. I respectfully submit this declaration in support of the Government's Opposition to Defendants' Motion To Effectuate Order of Suppression. I have personal knowledge of the facts set forth in this Declaration.

1. True and correct copies of excerpts from the transcript of the suppression hearing held in this matter on May 31, 2006, are attached hereto as Exhibit A.
2. True and correct copies of excerpts from the transcript of the suppression hearing held in this matter on August 9, 2006, are attached hereto as Exhibit B.
3. True and correct copies of excerpts from the transcript of the April 13, 2007 pretrial conference held in this matter are attached hereto as Exhibit C.
4. True and correct copies of excerpts from the transcript of the April 27, 2007 pretrial conference held in this matter are attached hereto as Exhibit D.

5. A true and correct copy of a January 31, 2007 memorandum from Melissa L. Kosack, Esq. to Eugene R. Licker, Esq. Concerning the "Quantity and Locations of Amerindo U.S. Documents" is attached hereto as Exhibit E.

6. A true and correct copy of the Order entered by the Court in this matter on May 23, 2007, is attached hereto as Exhibit F.

7. A true and correct copy of the order entered by the Court in this matter on June 6, 2007, is attached hereto as Exhibit G.

8. A true and correct copy of excerpts from the transcript of the July 17, 2007 pretrial conference held in this matter are attached hereto as Exhibit H.

I declare, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: October 4, 2007  
New York, New York

/s/  
Marc Litt  
Assistant United States Attorney  
(212) 637-2295